

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TIMOTHY B. DUNN,)
Plaintiff,)
VS.) CV NO. 04-4131-JPG
CANADIAN NATIONAL/ILLINOIS)
CENTRAL RAILROAD COMPANY,)
Defendant.)

ORDER OF DISMISSAL

GILBERT, Judge:

The Court having been advised by counsel for the parties that the above action has been settled;

IT IS ORDERED that this action is hereby dismissed without prejudice, without costs and with the right to reopen the action if settlement is not consummated within sixty (60) days. The dismissal will be with prejudice sixty (60) days after the date of this Order. The Court retains jurisdiction over this matter for the purposes of settlement enforcement.

IT IS FURTHER HEREBY ORDERED that the parties are to abide by the terms of any confidentiality agreement which has been or may be entered concerning the terms of settlement. Failure to follow this order may result in contempt of Court.

A NOTE ON CONFIDENTIALITY AGREEMENTS: It is contemplated that a settlement agreement will be entered into and that the settlement agreement may contain a confidentiality provision. Through its order that the parties abide by the terms of any settlement agreement, the Court does not intend to limit or impede any party's subsequent testimony or compliance with discovery in another lawsuit concerning matters arising from this lawsuit or its settlement. It is specifically not intended that any party to this settlement may rely on a confidentiality provision in the anticipated settlement agreement as a means to avoid the dissemination of information through testimony or discovery in any other proceedings, either ongoing or to arise.

IT IS SO ORDERED.

Dated: June 16, 2005

s/ J. Phil Gilbert
U. S. District Judge